



REMARKS

I. Summary of Office Action

Claims 1-37 are pending in the above-identified application.

Claims 1-37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Herz et al. U.S. Patent No. 5,758,257 (hereinafter "Herz").

Claims 1-37 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-5, 8-10, 14, 15 and 17-19 of U.S. Patent No. 6,002,394. A Terminal Disclaimer disclaiming the above-identified application against U.S. Patent No. 6,002,394 and U.S. Patent No. 6,263,501 is required.

II. Summary of Applicants' Reply

Applicants have amended claims 1-37 to more particularly define the claimed invention. No new matter has been added by the amendments and the amendments are fully supported by the specification. Applicants attach hereto a Terminal Disclaimer terminally disclaiming the present application against U.S. Patent No. 6,002,394 and U.S. Patent No. 6,263,501. The Examiner's rejections are respectfully traversed.

III.           Applicants' Reply to the  
                  Double-Patenting Rejections

Claims 1-37 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-5, 8-10, 14, 15 and 17-19 of U.S. Patent No. 6,002,394. The Examiner indicated that because a Terminal Disclaimer was filed between U.S. Patent No. 6,002,394 and U.S. Patent No. 6,263,501, any Terminal Disclaimer being filed herewith should be terminally disclaimed against U.S. Patent No. 6,002,394 and U.S. Patent No. 6,263,501.

Applicants attach hereto a Terminal Disclaimer disclaiming the portion of the term of any patent to be granted on this application which would extend beyond the expiration of U.S. Patent No. 6,002,394 and U.S. Patent No. 6,263,501. The Terminal Disclaimer overcomes the double patenting rejection of claims 1-37. Accordingly, applicants respectfully request that these rejections be withdrawn.

The Transmittal Letter being filed concurrently herewith authorizes the Director to charge \$130.00 in payment of the fee for filing the Terminal Disclaimer under 37 C.F.R. § 1.321(b,c).

IV.           Applicants' Reply to the Rejections  
                  of the Claims under 35 U.S.C. § 102(e)

Claims 1-37 are rejected under 35 U.S.C.

§ 102(e) as being anticipated by Herz. These rejections are respectfully traversed.

Amended independent claims 1 and 19 refer to a system and method using an interactive program guide that displays data identified as being related to television programs selected by a user. Television schedule information that includes television program titles is stored, and some of the television program titles are displayed. In response to a selection of a displayed television program title, data available on a public network that is related to the selected television program title is identified, received, and displayed.

Herz refers to a customer profile system for optimizing selection of television program information available from multiple data sources for presentation to viewers. Various characteristics of the data sources are objectively quantified and stored in the form of content profiles. The viewer's preferences for the characteristics of the data sources are stored in one or more customer profiles. An agreement matrix is generated based on content profiles and customer profiles and used to create virtual data channels with the data sources that have the most appeal to the viewers. Alternatively, the customer profile system in Herz may be used for the selection and retrieval of data such as stock market data, print information (e.g., for personalized

newspapers) or multimedia information which may be downloaded over the Internet. See Herz, col. 9, lines 30-51 and col. 50, line 66 - col. 52, line 5.

Applicants respectfully submit that Herz fails to show or suggest identifying, receiving, and displaying data available on a public network that is related to a selected television program title. In contrast, in Hertz, while data can be downloaded over a network such as the Internet, there is no teaching or suggestion that such data is identified as data that is related to a selected television program title. Moreover, in Herz, information obtained from the data sources is based on a user-created customer profile, not "a selected television program title," as specified in applicants' claims 1 and 19.

For at least the foregoing reasons, applicants respectfully submit that independent claims 1 and 19 are allowable. Claims 2-18 and 20-37 are each dependent either directly or indirectly from claims 1 or 19, and are therefore allowable at least because claims 1 and 19 are allowable.



Application No. 09/810,324  
Amendment dated May 17, 2005  
Reply to November 17, 2004 Office Action

V. Conclusion

In view of the foregoing, applicants respectfully submit that this application, as amended, is now in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,

Andrew Van Court  
Registration No. 48,506  
Agent for Applicants

Fish & Neave IP Group  
Ropes & Gray LLP  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1105  
Tel.: (212) 596-9000  
Fax: (212) 596-9090